

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CIVIL ACTION NO. 3:17-cv-05806-RJB

DECLARATION OF LEZLIE A.
PERRIN IN SUPPORT OF STATE
OF WASHINGTON'S RESPONSE
TO THE COURT'S PROPOSED
ORDER GRANTING SUMMARY
JUDGMENT OF DISMISSAL (ECF NO.
306)

Under penalty of perjury under the laws of the United States of America, I, Lezlie A. Perrin, certify that the below is true and correct:

1. My name is Lezlie A. Perrin. I am over the age of 18 and competent to testify in this matter.

2. I am the Senior Program Manager of DOSH Appeals, Audit, Discrimination, and Internal Training for the Washington Department of Labor & Industries. I have served in this position since 2010. My job duties include ensuring the resolution of all contested cases for DOSH.

3. The Department of Labor & Industries' Division of Occupational Safety & Health (DOSH) regulates all companies doing business in Washington State. Companies doing

1 business in Washington must comply with our state's general health and safety laws,
2 Washington's Industrial Safety and Health Act (WISHA). DOSH investigates workplace safety
3 complaints when made against companies regardless of whether the company contracts with
4 state or federal governments.

5 4. For example, DOSH investigates workplace safety complaints against private
6 contractors or vendors that provide security services and other work at federal buildings such
7 as the federal courthouse in Tacoma, as well as logging companies that perform logging
8 operations in national forests under contract with the federal government. L&I's Board of
9 Industrial Appeals, in fact, specifically affirmed L&I's jurisdiction over a private contractor
10 providing court security services at the federal courthouse in Tacoma, reasoning that L&I "is
11 not attempting to dictate, amend, review or obstruct the ability of either [the federal
12 government] or [the private contractor] to fulfill [its] purpose [of protecting the people and
13 property within a federal courthouse] and "there is a paucity of evidence showing that [federal
14 oversight] extended to include the safety and health of the [security officers] within their
15 workplaces at the federal courthouse." A copy of that decision is attached here as Exhibit A.

16 5. DOSH's practices with respect to state owned facilities and contractors are no
17 different. For example, DOSH has historically treated inmates who participate in work
18 programs as "employees" under the WISHA, and investigates workplace safety complaints in
19 state correctional facilities. DOSH has issued citations to the Washington State Department of
20 Corrections relating to inmate exposure to asbestos and the use of inmates to fight wildfires.
21 DOSH has also investigated safety and health complaints by prison guards. Likewise, DOSH
22 has jurisdiction to inspect DOC work-release facilities run with the assistance of private
23 contractors.

24 6. In contrast, the federal government itself is not subject to WISHA. DOSH does
25 not have jurisdiction to investigate workplace safety complaints filed against the federal
26 government on property that it owns and operates itself.

1 7. I am aware, for example, that the United States Bureau of Prisons owns and
2 operates the SeaTac Federal Detention Center, a federal prison located at 2425 South 200th
3 Street in Seattle, Washington. DOSH does not inspect or investigate workplace safety
4 complaints filed against the SeaTac Federal Detention Center.

5 8. If companies that contract with the federal government to provide immigration-
6 related services were deemed to be exempt from generally applicable state laws, that would
7 exempt The GEO Group, Inc., from complying with our state health and safety laws at the
8 Northwest Detention Center located at 1623 East J Street in Tacoma, Washington. Such a
9 ruling would reverse the longstanding practice of the Department, which has investigated and
10 helped resolve workplace complaints at the NWDC in the past. For example, in 2014, DOSH
11 handled a complaint related to the NWDC's improper disposal of contaminated sharps from
12 used disposable razor blades, one of which hurt an employee; this unsafe practice, without the
13 State's regulatory oversight and correction, could have resulted in the spread of infectious
14 disease to GEO's employees and detainees, with much broader, and devastating, public health
15 and safety ramifications.

16 9. In other words, if all businesses that contract with the federal government to
17 provide immigration-related services were required to receive the same treatment under
18 Washington law as the treatment received by the federal government, there would be *no* state
19 health and safety regulation of those businesses, and the implications would be significant and
20 damaging to the health and safety of Washingtonians. In addition to the Northwest Detention
21 Center, I am aware, for example, that for-profit businesses provide ground and air
22 transportation services, airplane cleaning services, and food and supplies sales to federal
23 immigration officials.

24 10. A broader rule that all businesses that contract with the federal government
25 must receive the same regulatory treatment as the federal government could have even more
26 significant consequences. In Washington, I am aware that a myriad of for-profit businesses in

1 Washington (including The GEO Group) contract with the federal government and lease space
2 or land from the government, including logging companies, stores, and restaurants. If treated
3 the same as the federal government, all of these companies could be immune from our basic
4 workplace safety protections.

5 11. At minimum, a rule that affords The GEO Group immunity from generally
6 applicable state health and safety labor laws could result in additional claims by The GEO
7 Group and other federal contractors for immunity. This could result in additional
8 administrative and court costs to the state and the contractors in order to identify and apply the
9 contours of the new immunity rule.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct.

12 Dated this 3rd day of October 2019 in Tumwater, Washington.

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15 Lezlie A. Perrin
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated this 4th day of October 2019 in Seattle, Washington.

s/ Caitilin Hall
CAITILIN HALL
Legal Assistant

DECLARATION OF LEZLIE A. PERRIN IN
SUPPORT OF STATE OF WASHINGTON'S
RESPONSE TO THE COURT'S PROPOSED
ORDER GRANTING SUMMARY JUDGMENT
OF DISMISSAL

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